

III. Remarks

Reconsideration and allowance of the subject application are respectfully requested.

Claims 15-35, 37 and 39 are now pending in the application. Claims 15 and 35 are independent.

Claim Rejections - 35 U.S.C. §102

The Examiner rejected claims 20-35 and 37 under 35 U.S.C. §102(b) as being anticipated by WO 93/18786. The Applicant respectfully disagrees with the Examiner. WO93/18786 discloses the use of GLP-1(7-37) or GLP-1(7-36) amide for use in the treatment of type II diabetes in a patient (see for example page 4, lines 20-27 and lines 32-22; page 5, lines 11-12, line 27 and line 34; page 6, lines 4-5, line 18, 25 and 32 and numerous other passages in the application where it is taught that the invention is directed to type II diabetes). WO93/18786 is discussed in the background of the invention of the present application.

One of skill in the art understands diabetes is generally classified into insulin-dependent diabetes (Type I diabetes) and non-insulin-dependent diabetes (Type II diabetes). Type I diabetes is in the state of lowering of the function of pancreatic beta cells resulting from hereditary cause, viral infection, etc. wherein insulin is substantially not secreted, and suddenly attacks mainly in earlier life. Type II diabetes mainly attacks persons in the forties and is often associated with a family history for diabetes, obesity, stress, etc. In the case of type II diabetes, insulin is sufficiently secreted from pancreas but there is insulin resistance and thus glucose utilization is different from those of normal person and insulin is not administered. WO 93/18786 only teaches the use of the GLP-1(7-37) or GLP-1(7-36) amide for the treatment of type 2 diabetes as is known by those of skill in the art to be characterized as being non-insulin-dependent. This reference is silent as to the teaching of any type of diabetes that requires insulin, i.e. is insulin dependent.

In contrast, in the present invention, it has been surprising demonstrated that glucagon-like peptide 1(7-37) and glucagon-like peptide 1(7-36) amide is effective for the treatment of diabetes that is insulin-dependent. In most cases, this is the treatment of type I diabetes that is known by those of skill in the art to be characterized as being insulin-dependent. This means that the patient is required to have daily doses of insulin to treat the disorder and regulate blood sugar levels appropriately. As is described on page 7 of the description "an insulin-requiring

diabetic is a diabetic who is unable to avoid hyperglycaemia without the use of insulin. The invention further provides a method for treating patients with diabetes which is etiologically Type II but requires insulin treatment". Therefore the present invention is directed to any type of diabetes that is insulin-dependent. This is not taught or suggested by WO 93/18786.

For these reasons supra, it is respectfully requested that the Examiner withdraw his rejection of the claims under U.S.C. §102.

Allowable Claims

The Examiner is thanked for indicating claims 15-19 to be allowable in their current state.

The Examiner had indicated that claims 36, 38-39 were objected to as being dependent upon rejected claims. These claims have been amended to incorporate the subject matter from which these claims depend and it is asserted that such amendment places them in an allowable condition. This included the incorporating of the subject matter of claim 36 into claim 35 resulting in the cancellation of claim 36. Similarly, the subject matter of claim 38 has been incorporated into claim 37 resulting in the cancellation of claim 38.

Conclusions

In view of the foregoing it is asserted that the present claims overcome all of the Examiner's rejection and are thus patentable. An allowance of the claims is respectfully requested.